

## REMARKS

### Summary of Office Action

Claims 1-15 are pending in this application.

Claims 1-15 were rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,275,648.

Claims 1-3, 5-8, 10-13, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,408,435 ("Sato") in view of U.S. Patent No. 5,353,121 ("Young") and further in view of U.S. Patent No. 5,285,265 ("Choi").

Claims 4, 9, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of Young and Choi and further in view of U.S. Patent No. 5,619,274 ("Roop").

### Summary of Applicants' Reply

Applicants submit a terminal disclaimer over U.S. Patent No. 6,275,648. Withdrawal of the nonstatutory obviousness-type double patenting rejection is respectfully requested.

The Examiner's rejections of the claims under 35 U.S.C. § 103(a) are respectfully traversed.

### Reply to the Double Patenting Rejection

Claim 1-15 were rejected under nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,275,648. A terminal disclaimer is entered herein to advance prosecution of the

application. Withdrawal of the double patenting rejection is respectfully requested.

**Reply to the § 103(a) Rejections**

Claims 1-3, 5-8, 10-13, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of Young and further in view of Choi. The rejection is respectfully traversed.

Applicants' independent claims 1 and 11 are directed towards interactive program guide systems that provide an interactive television program guide and includes a video recorder and a television. Independent claim 6 is directed to a corresponding method claim. The independent claims all specify, among other things, determining whether the video recorder and television are a combined unit and displaying a message prior to recording a selected program when the video recorder and television are a combined unit that informs the user that recording is to begin and asks the user whether to continue with recording. Applicants respectfully submit that the references relied on by the Examiner fail to show or suggest these features of claims 1, 6, and 11.

The Office Action at page 6 concedes that Sato does not teach the above features and relies, erroneously, on Young and Choi to make up for Sato's deficiencies.

The Office Action relies on Young for disclosing a combined video recorder and television unit (see Office Action, p. 6). Specifically, the Office Action cites to column 18, lines 26-32 of Young. This section of Young, however, does not disclose a combined video recorder and television. Rather,

this section of Young discusses different implementations of a "schedule system/controller," not a video recorder. FIG. 22A shows the schedule system/controller 180 as equipment separate from a video recorder and a television. In FIG. 22B, "schedule system/controller 182 is shown as integrated into a VCR 211" (col. 18:26-27). Young also states that the schedule system/controller "may be integrated into other television equipment, such as a cable decoder or a TV/Monitor" (col. 18:31-32).

Accordingly, while Young teaches integrating a schedule system/controller into different television equipment (e.g., a VCR and a television), Young does not disclose integrating a video recorder and a television into a combined unit. Therefore, even if Young's television equipment were combined with Sato and Choi, the combination would still fail to show or suggest determining whether a video recorder and a television are a combined unit. On this basis alone, applicants respectfully submit that the independent claims 1, 6, and 11 are patentable over the combination of Sato, Young, and Choi.

Moreover, applicants' claims are patentable over Sato, Young, and Choi for an additional independent reason. The Office action relies on Choi for disclosing displaying a message prior to recording a selected program that a) informs the user that recording is to begin and b) asks the user whether to continue with recording. The message disclosed in Choi, however, fails to disclose feature b) of applicants' claimed message.

Choi's message as shown, for example, in FIG. 3 displays pre-set recording information: time, channel, program name, and a countdown timer to the recording time. While Choi's message may disclose feature a) of applicant's claimed message, Choi's message does not "ask the user whether to continue with recording" (i.e., feature b)) as required by applicants' claims. The Office Action at pages 6-7 appears to concede this, but states that such a message would be implied.

First, whether or not it is implied, Choi's message itself does not meet applicants' claimed message. Nothing in Choi's message asks the user whether to continue with a recording. The Office Action's position appears to allege that even though Choi's message only informs the user that a recording is to begin, this somehow implies feature b). Applicants respectfully submit that the Office Action's position is improper at least because it reads feature b) out of applicants' claims. This is improper claim interpretation.

Second, Choi does not imply that its message asks the user whether to continue with recording. The Office Action cites to column 1, lines 42-51 of Choi where it is stated that the message informs the user of a recording "so as to provide the user with an opportunity to cancel or change the programmed recording mode without any interruption." In the detailed description, Choi states that a viewer can watch the message and "can decide to keep watching current broadcasting, to carry out the programmed recording, or to switch the programmed recording to another broadcasting program and so on" (col. 3:51-54). Thus, the message in Choi simply informs the viewer that a recording is scheduled to begin. While Choi discloses that a viewer may decide to take any of a number of actions

after viewing the message, this does not imply that the message asks the user anything.

In view of the foregoing, Choi's message fails to ask the user whether to continue with recording as required by applicants' claims. Accordingly, even if Choi's message were combined with Sato and Young, the combination would still fail to show or suggest displaying a message prior to recording a selected program that a) informs the user that recording is to begin and b) asks the user whether to continue with recording. On this additional independent basis, applicants respectfully submit that independent claims 1, 6, and 11 are patentable over the combination of Sato, Young, and Choi.

For at least the foregoing independent reasons, applicants respectfully submit that independent claims 1, 6 and 11 are patentable over Sato, Young, and Choi. Claims 2-3, 5, 7-8, 10, 12-13, and 15, which depend from independent claims 1, 6, or 11, are also patentable over Sato, Young, and Choi for at least the reasons that independent claims 1, 6, and 11 are patentable over Sato, Young, and Choi. Accordingly, applicants respectfully request that the rejection of claims 1-3, 5-8, 10-13, and 15 under 35 U.S.C. § 103(a) be withdrawn.

Claims 4, 9, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of Young and Choi, and further in view of Roop. These claims depend from independent claims 1, 6, or 11, and are thus patentable for the same reasons.

**Conclusion**

For at least the foregoing reasons, claims 1-15 are allowable. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



Pristine Johannessen

Reg. No. 55,302

Attorney for Applicants

Ropes & Gray LLP

Customer No. 75563

1211 Avenue of the Americas

New York, New York 10036-8704

Tel.: (212) 596-9000

Fax: (212) 596-9090